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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/776,362	02/02/2001	Donald W. Taylor	DE007DT-1	1840

7590 02/28/2003

ORSCHLN MANAGEMENT CO
2000 US HWY 63 SOUTH
MOBERLY, MO 65270

EXAMINER

RAJGURU, UMAKANT K

ART UNIT	PAPER NUMBER
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1711

DATE MAILED: 02/28/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

Applicant(s)

Examiner

Group Art Unit

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on Jan 06, 2003 (paper no 7)
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 2-4, 6-8, 10, 11, 13-18 and 21-28 is/are pending in the application.
- Of the above claim(s) 21-28 is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 2-4, 6-8, 10, 11 and 13-18 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____.
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

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1. Finality of the rejection (set forth in earlier office action, paper no 6) is withdrawn.

Pending rejections of cancelled claims are moot.

Rejection of claims 2-4, 6-8, 10, 11 and 13-18 (item 8, office action, paper no 4) is withdrawn.

2. An amendment (paper no 7) has been filed on Jan 06, 2003. It has been entered.

Claims under examination are 2-4, 6-8, 10, 11 and 13-18.

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 2-4, 6-8, 10, 11, 13-¹⁸~~17~~ and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 54033542 in view of Lyons Jr. (USP 5263287), Heimann (USP 6017857), Nee (USP 4983449), Karim et al (USP 6057382) and Glorieux (USP 5399189).

JP '542 disclose antirust compositions containing ^{petrolatum}~~petroleum~~ or grease and additives such as gilsonite, polyolefins etc. Polyolefins include polyisobutylene. Inert siliceous fillers may be added. Also suitable are other resins viz. polypropylene, polybutene and polyesters. Composition is useful for preventing corrosion of steam pipes.

JP '542 does not mention bitumen EPDM (of instant claim 4).

Lyons discloses roofing membrane flashing. The flashing is made from a corrosion resistant material, for example EPDM coated aluminum (abstract; col. 6 lines 21-27; col. 7 lines 45 and 51).

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Heimann discloses corrosion resistant lubricants, greases and gels. The grease includes silica/silicate mixture (abstract; col. 3, line 62 to col. 4 line 7). Calcium silicate is a suitable silicate (col. 6, lines 37-38). Patentee also discloses use of other additives such as polyethylene, polyvinylidene difluoride, polytetrafluoroethylene, polyvinyl chloride in col. 26, lines 15-19 which are considered as reinforcements.

Glorieux discloses anticorrosive protective composition for metals. According to patentee, use of polymer micro parts (such as Expancel) considerably improves corrosion resistance (col. 2 lines 21-31).

Karim discloses epoxy thermoplastic photocurable adhesive composition (abstract; col. 1, lines 55-67).

Nee discloses protective wrapping material. The wrapping material is bonded to a substantially non-elastic porous support backing formed of the thermoplastic material like polypropylene (col. 4, lines 24-37).

Therefore it would have been obvious to use in the composition of JP '542 (a) EPDM polymer (of Lyons) as an additional binder to enhance antirust properties (b) expansion agent (of Glorieux) to reduce formation of blisters ^{and} salts of some pigments ^{to} ~~and-at-the-same-time~~ increase antirust characteristics ~~and~~ (c) a support backing or reinforcement (of Nee) for easy storage, handling as well as use, (d) calcium silicate and other additives (of Heimann) in order to increase pH there by enhancing corrosion resistance and (e) an epoxy resin with a photo-initiator (of Karim) to achieve sufficient tack even in uncured state, good adhesion to metal on curing as well as a controlled flow during curing.

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Applicants' argument that claims 21-28 need not be restricted is not convincing. The filler used by primary reference can be viewed as a reinforcement. The reinforcement of claims 21-28 is different from such filler/s. Claims 21-28 therefore encompass a patentably distinguishable invention which is restrictable.

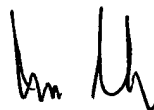
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to U.K. Rajguru whose telephone number is 703-308-3224. The examiner can normally be reached on Monday-Friday from 9:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Seidleck can be reached on 703-308-2462. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



U. K. Rajguru/mn
February 26, 2003



James J. Seidleck
Supervisory Patent Examiner
Technology Center 1700